

ENTERED

March 10, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

AMANDA SIERRA GUERRERO-VACO, §

Plaintiff, §

v. §

Civil Action No. 2:22-CV-00022

KILOLO KIJKAZI, §
Acting Commissioner of the §
Social Security Administration, §
US ATTORNEY GENERAL, §
SOCIAL SECURITY OF THE REGIONAL §
CHIEF COUNSEL, REGION VI, §
AND JENNIFER LOWERY, §

Defendants. §

ORDER ACCEPTING
FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the December 13, 2022 Memorandum and Recommendation ("M&R") prepared by Magistrate Judge Jason B. Libby. (Dkt. No. 14). Magistrate Judge Libby made findings and conclusions and recommended that Defendants' Motion for Summary Judgement, (Dkt. No. 13), be granted and Plaintiff's Motion for Summary Judgment, (Dkt. No. 12), be denied. (Dkt. No. 14 at 1). He further recommended that the case be dismissed. (*Id.*).

The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). On December 23, 2022, Plaintiff filed three objections to Magistrate Judge Libby's finding that the ALJ's decision was supported by substantial evidence. (Dkt. No. 15 at 1). First, Plaintiff object to the ALJ's failure to

include limitations into her residual functional capacity determination based on the impairments that which she found to be severe. (*Id.* at 2). Second, Plaintiff objects to the ALJ's failure to consider the functional limitations noted in a psychological exam. (*Id.*). Third, Plaintiff objects to the ALJ's rejection of certain medical opinions of record. (*Id.* at 2-3).

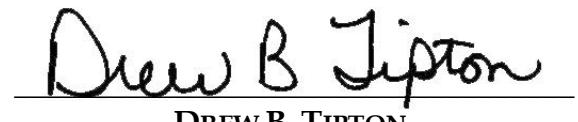
In accordance with 28 U.S.C. § 636(b)(1)(C), the Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; *see also* Fed. R. Civ. P. 72(b)(3).

The Court has carefully considered de novo those portions of the M&R to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendations for plain error. Finding no error, the Court accepts the M&R and adopts it as the opinion of the Court. It is therefore ordered that:

- (1) Magistrate Judge Libby's M&R (Dkt. 14) is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court; and
- (2) Plaintiff's Motion for Summary Judgment (Dkt. No. 12) is **DENIED**; and
- (3) Defendants' Motion for Summary Judgment (Dkt. 13) is **GRANTED**; and
- (4) The case is **DISMISSED WITH PREJUDICE**.

It is SO ORDERED.

Signed on March 9, 2023.


Drew B. Tipton
DREW B. TIPTON
UNITED STATES DISTRICT JUDGE